

Used Oil Payment Program

May 18, 2010

Resolutions and Other Required Authorizing Documentation

Qualified local public agencies may apply for the Used Oil Payment Program (OPP) on their own behalf or may join with other qualified agencies in a regional application. For a regional program, one of the agencies must be authorized as the lead agency/applicant, which, if funded, is legally responsible for administering the funds. As detailed below, the lead agency must submit an authorizing Resolution or a Letter of Commitment, and all regional participants are required to submit authorizing documentation with the application.

The following provides examples of authorizing documents for the OPP.

- I. [RESOLUTIONS](#) (for Applicants Subject to a Governing Body)
- II. [LETTER OF COMMITMENT](#) (for Applicants Not Subject to a Governing Body)
- III. [LETTER OF AUTHORIZATION & OTHER ACCEPTABLE DOCUMENTATION](#) (Regional Participant Required Document)
- IV. [LETTER OF DESIGNATION](#)

I. RESOLUTIONS (for Applicants Subject to a Governing Body)

Resolutions for the Used Oil Payment Program (OPP) are valid only for the OPP; they are not valid for other CalRecycle programs.

The following identifies required information and provides example language. Consult with your attorney before using the example language.

OPP applicants subject to a governing body are required to submit an authorizing resolution. The resolution must include the following:

1. Authorization to submit an OPP application(s); and
2. Designation of the job title of the individual authorized to sign all program documents (Signature Authority).
3. (Optional but encouraged) authorization by the Signature Authority (identified in 2 above) to delegate his/her signature authority to another.

Applicants are encouraged to use the open-ended or the 5 year resolution for the OPP; however, a resolution for less than 5 years may be used.

The examples provided are for the following types of resolutions:

- A. An open-ended resolution for a single applicant [bookmark to section below]
- B. An open-ended resolution for a lead applicant with regional participants [bookmark to section below]
- C. A five-year resolution for a single applicant [bookmark to section below]
- D. A five-year resolution for a lead applicant with regional participants [bookmark to section below]

A. **Open-Ended Resolution for Single Applicants Applying on Their Own Behalf Example**

The following “Whereas” provisions are suggested for inclusion in open-ended resolutions as applicable to the Used Oil Payment Program; however, they are not required.

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a Used Oil Payment Program application to CalRecycle; and

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee, is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by _____ **(Title of Governing Body)**.

B. Open-Ended Resolution for Applicant/Local Agency as the Lead Agency with Regional Participants Example

The following “Whereas” provisions are suggested for inclusion in open-ended resolutions as applicable to the Used Oil Payment Program; however, they are not required.

Note: It is recommended that the names of the regional participants be provided in an attached listing.

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, the Used Oil Payment Program allows regional participation; and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program require, among other things, a regional applicant’s governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes **(Name of Applicant)** to submit a Used Oil Payment Program regional application on behalf of itself as Lead Agency and the participating agencies/ jurisdictions (see attached listing); and

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee, is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by _____ **(Title of Governing Body)**.

C. **Five-Year Resolution for Single Applicants Applying on Their Own Behalf Example**

The following “Whereas” provisions are applicable to the Used Oil Payment Program; however, they are not required.

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a Used Oil Payment Program application to CalRecycle; and

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee, is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

BE IT FURTHER RESOLVED that this authorization is effective for *(choose one of the following options):* 1) five (5) years from the date of adoption of this resolution **or** 2) for a period less than five years **(insert Time Period: from Month, Day, Year through Month, Day, Year)**. *[Note: this provision is either/or; do not include both options.]*

D. Five-Year Resolution for Applicant/Local Agency as the Lead Agency with Regional Participants Example

The following “Whereas” provisions are applicable to the Used Oil Payment Program; however, they are not required.

Note: It is recommended that the names of the regional participants be provided in an attached listing.

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, the Used Oil Payment Program allows regional participation; and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program requires, among other things, a regional applicant’s governing body to declare by resolution certain authorizations related to the administration of CalRecycle’s Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes **(Name of Applicant)** to submit a Used Oil Payment Program regional application on behalf of itself as Lead Agency and the participating agencies/ jurisdictions (see attached listing); and

BE IT FURTHER RESOLVED that the **(Title of Official)**, or his/her designee, is hereby authorized and empowered to execute on behalf of **(Name of Applicant)** all documents, including, but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

BE IT FURTHER RESOLVED that this authorization is effective for *(choose one of the following options):* 1) five (5) years from the date of adoption of this resolution **or** 2) for a period less than five years **(insert Time Period: from Month, Day, Year through Month, Day, Year)**. *[Note: this provision is either/or; do not include both options.]*

II. LETTER OF COMMITMENT

-- for Applicants not subject to a governing body --

Applicants, who are not subject to a governing body, must submit with their Application, a letter on Applicant's official letterhead which contains a specific end date or states that it is effective until rescinded by the identified Signature Authority, and be signed by a person with authority to contractually bind the Applicant. The letter must:

- Authorize submittal of the OPP Application on behalf of Applicant; and
- Designate the job title of the person authorized to execute all documents necessary to secure OPP funds to support our Used Oil Collection Program (Signature Authority).
- (Not required but encouraged) authorize the Signature Authority to delegate this authority.

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the Application. Note: the letter must contain the requirements stated above.

LETTER OF COMMITMENT EXAMPLE

I am **(job title)** of **(name of Applicant)**. I am authorized to contractually bind **(name of Applicant)**. Pursuant to this authority, I hereby 1) authorize submittal of the Used Oil Payment Program (OPP) Application on behalf of **(name of Applicant)**; 2) designate **(job title)** as our Signature Authority authorized to execute on behalf of Applicant all documents including, but not limited to, applications, guidelines, and annual reports necessary to secure OPP funds to support our Used Oil Collection Program; 3) authorize our Signature Authority to delegate this authority; and declare these authorizations effective [until rescinded by the above identified Signature Authority or state a specific end date]. The following information more specifically identifies our Signature Authority:

Name & Job Title
Mailing Address
City, State, Zip Code
Telephone Number

III. LETTER OF AUTHORIZATION & OTHER ACCEPTABLE DOCUMENTATION (Regional Participant Required Document)

In addition to the applicant/lead agency's resolution discussed above, a regional application must annually include required authorization from each participant. Failure of any participant identified in the applicant's resolution to provide the necessary authorization will render the OPP application incomplete and ineligible.

Each participant **must submit one** of the following documents that is dated within the last 12 months and signed by an individual who has authority to contractually bind the participating jurisdiction (e.g., the chief administrative officer):

1. [Letter of Authorization] A letter on the participating agency's letterhead that **shall** 1) authorize the submittal of a regional OPP application on its behalf as an OPP participant, and 2) designate the applicant as the lead agency for OPP.
2. A resolution from the participant's governing body that **shall** 1) authorize submittal of a regional Used Oil Payment Program (OPP) application on its behalf as an OPP participant, and 2) designate the applicant as the lead agency for OPP.
3. [For Joint Powers Authorities (JPA)] Each member of the JPA must submit a Letter of Authorization that shall 1) authorize the submittal of a regional OPP application on its behalf as an OPP participant, and 2) designate the applicant as the lead agency for the OPP.
4. [Memorandum of Understanding (MOU)] A fully executed MOU between the participant agency(ies) that shall 1) authorize the submittal of a regional OPP application on behalf of the MOU jurisdictions as OPP participants, and 2) designate the applicant as the lead agency for the OPP.

IV. LETTER OF DESIGNATION

-- for Applicants who authorize their Signature Authority to delegate his/her authority --

This letter is not an Application requirement; however, it is required prior to the Designee's exercise of his/her authority. **The letter must be on the Applicant's letterhead, contain a specific end date or state that it is effective until rescinded by the identified Signature Authority, and be signed by the Signature Authority. The letter must:**

- Identify the job title of the Designee; and
- Identify the scope of the Designee's authority.

The following letter (language) is for example purposes only. Consult with your attorney to determine the language most appropriate for the Application.

LETTER OF DESIGNATION EXAMPLE

I am the **(job title)** for **(name of Applicant/Jurisdiction)**. I am the designated Signature Authority authorized to execute on behalf of **(name of Applicant/Jurisdiction)** all Used Oil Payment Program documents, including but not limited to, applications, guidelines, and annual reports necessary to secure said payments to support our Used Oil Collection Program. I am authorized to delegate this authority. Accordingly, I hereby delegate this authority to the **(Job Title of Designee)**, who is specifically identified below.

Name & Job Title
Mailing Address
City, State, Zip Code
Telephone Number

This Letter of Designation is effective until rescinded by me or my successor or must include a specific end date in lieu of the "until rescinded" provision.